

The Appeals Board finds that the Order by the Administrative Law Judge should be affirmed. The Appeals Board has jurisdiction to consider the issues raised in this appeal based on K.S.A. 1997 Supp. 44-534a and K.S.A. 1997 Supp. 44-551.

The Appeals Board finds claimant has established personal injury by accident and has established that the injury arose out of and in the course of employment. Claimant worked 11 years for respondent clipping newspapers. On June 23, 1997, she noticed symptoms in her right thumb. Claimant eventually developed symptoms in her hand, elbow and shoulder. Uncertain about the cause of the symptoms, claimant reported the problem to her employer but went to her own physician. Respondent later provided medical treatment and an evaluation by several physicians including Dr. Samir Desai and Dr. K. N. Arjunan. The authorized medical providers took claimant off work and conducted a variety of tests. Various possible causes of the complaints were considered, including a bulging disc at C6-C7 and the possibility that the symptoms were related to her migraine headaches. But these physicians ultimately did not identify any of the specific diagnoses or cause of symptoms.

Claimant has since gone to Dr. Sharon L. McKinney. Dr. McKinney diagnosed thoracic outlet syndrome and recommended additional therapy. Dr. McKinney also opined that the condition was related to claimant's work activities. The Appeals Board finds Dr. McKinney's reports, together with claimant's testimony, convincing evidence that claimant has suffered personal injury by accident arising out of and in the course of employment.

**WHEREFORE**, the Appeals Board finds the Order by Administrative Law Judge Floyd V. Palmer dated January 6, 1998, should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of March 1998.

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BOARD MEMBER

c: Roger D. Fincher, Topeka, KS  
Matthew S. Crowley, Topeka, KS  
Floyd V. Palmer, Administrative Law Judge  
Philip S. Harness, Director